might have to come to the Legislature again for a detailed measure relating to gramdan. Anyhow, I do hope that, with the passing of this measure with all the enthusiastic support of hon. Members in this House and in the other House, a new fillip would be given to this movement, and that we would be making considerable progress by way of making this movement a great success.

MR. CHAIRMAN : The question is—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(Deputy Chairman in the Chair.)

(3) THE MADRAS MATERNITY BENEFIT (AMENDMENT) BILL, 1958 (L.C. BILL NO. 1 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

'That the Madras Maternity Benefit (Amendment) Bill [a], 1958 (L.C. Bill No. 1 of 1958), be taken into consideration.'

The Madras Maternity Benefit Act of 1934 regulates the grant of maternity benefits to women workers in factories. Maternity benefit is paid at the rate of 8 annas per day for the actual days of absence immediately preceding and following the confinement, subject to a maximum period of seven weeks. Separate provisions for maternity benefits for plantation women workers are made in the Madras Plantation Labour Rules.

The question of providing maternity benefits on a uniform scale throughout India and enacting special legislation for the purpose was discussed by a Committee of the Indian Labour Conference in January 1954. It was suggested that the Government of India might draw up minimum standards of maternity benefits and recommend them to the State Government for adoption either by enacting fresh legislation or by suitably amending the existing laws to the extent necessary. The above suggestion was accepted by the Government of India. Accordingly, draft model minimum standards for maternity benefits were drawn up. The model standards were finalised after obtaining the opinion of the State Governments. The Government of India have suggested that the above recommendations may be implemented either by enacting fresh legislation or by suitably amending the existing Act.

After careful consideration of the model standards, Government have decided to amend the existing Act on the lines of the recommendations in the model standards. Hence, the Bill to amend the Madras Maternity Benefit Act, 1934, is before the House.

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[a] Published on pages 51–60 of Part IV–A (Extraordinary issue) of the *Fort St. George Gazette*, dated the 15th February 1958.

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The principal changes made in the Bill as follows.

The Act is extended to such industrial establishments as the State Government may from time to time by notification specify. The most important change is that the rate of maternity benefit is increased from 8 annas a day to 75 nP. per day or 7/12th of the average daily wage, whichever is higher. The maximum period for which maternity benefit is payable has also been increased from seven weeks to twelve weeks. In addition, the following other benefits are provided :

Hitherto no provision was made in regard to pre-natal and post-natal treatment. The Bill provides for lump sum medical bonus of Rs. 10, except in cases where pre-natal and post-natal care is provided free of charge. The period of prohibition of employment following confinement has been increased from four to six weeks. Provision is made for leave with full wages for a period of three weeks in case of miscarriages. Provision has also been made for leave on account of illness due to pregnancy, confinement or premature birth of a child up to a maximum period of one month. The Bill provides for nursing breaks of 15 minutes for nursing mothers after a continuous period of work for three hours. Opportunity has also been taken to specify the mode of recovery of the benefits payable under the Act and for the appointment of Inspectors for the enforcement of the provisions of this Act.

Sir, I move that the Bill be taken into consideration.

DEPUTY CHAIRMAN : Motion moved—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be taken into consideration '.

* DR. V. K. JOHN : Sir, I give my warm support to this Bill. I am quite sure that the Leader of the House will be quite happy to introduce this Bill in this House for consideration. When the history of the development of industries and the labour movement in this country is written, I am quite sure Sri Venkataraman's name will find a very prominent place there. This legislation is not only welcome but should be the forerunner of other such pieces of legislation. Maternity benefit is of great necessity to the working classes. This country can be called civilised only when we have introduced in this country the social securities, which they have in the West. In 1935, by the Social Security Act, the United States provided for social securities for unemployment, sickness, old age, widows, children, and others in need. So also Great Britain and all other civilised countries have social securities. But in this country, we have not been able to provide for social securities. Of course, maternity benefit, in a way, is a social security, but this only touches the fringe of the problem in this country where there is so much of

poverty and want. I am quite sure that if this Government would persuade the Central Government in the matter, the Central Government would bring in legislation for providing social securities. Other civilised countries have got this enactment.

I want to make another suggestion here. As maternity benefit, social securities, and welfare of labour, are all in the Concurrent List, it might be well for Parliament to have a uniform law for all States. I do not say that States should not introduce this legislation. We have consulted the Central Government. But items 23 and 24 (social security and maternity benefit) are items in the Concurrent List. I am of the opinion that there must be uniformity in law in every State regarding maternity benefit and social securities. It will be in order and will be conducive to the progress of the country as a whole if the Central Legislature takes up this subject. In all these matters it is better that Parliament takes up the question and introduces uniform legislation for all States. It may be said that conditions in one State differ from the conditions in another. Nevertheless, there are the same conditions of poverty, the same difficulties, the same disadvantages, and the same insecurities all over the country. I for myself will prefer Parliament to legislate in a matter like this.

I once again welcome very warmly and very heartily this Bill, which is placed before this House.

DR. MAHOMED USMAN : Sir, I rise to give my strong support to this Bill. I welcome very warmly this legislation. I think the Leader of the House deserves our warmest congratulations on, and sincere thanks for, the Bill that he has brought forward. It is a Bill which is going to be useful to the country, and I thank the Hon. the Leader of the House for this.

5-10 p.m. SRI K. BALASUBRAMANYA AYYAR : Sir, I join with Dr. Mahomed Usman in welcoming the Bill and congratulating the Hon. the Leader of the House on bringing it in. This is a measure which is overdue, if I may say so. Labour legislation is a thing of present growth and we have been thinking about it. The Madras Maternity Benefit Act was passed so early as 1934 that some of the provisions now made were not in that Act. This medical bonus, even clerks in banks are getting. It is very necessary to provide for it here. New section 8-A under clause 10 states—

"A lump sum of ten rupees shall be paid as medical bonus by the employer to every woman worker, who receives maternity benefit, except in cases where such employer provides pre-natal confinement and post-natal care, free of charge."

I suppose the hon. Member Mr. Krishnaswamy Ayyangar has looked into this clause. (Laughter.) It should be "provides *for* pre-natal confinement."

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THE HON. SRI R. VENKATARAMAN : We will call in the assistance of schoolmasters to decide which is the correct expression. (Laughter.)

SRI K. BALASUBRAMANYA AYYAR : ' Provides pre-natal care ' is all right.

SRI T. P. SRINIVASAVARADAN : They say ' provide midday meals '.

SRI K. BALASUBRAMANYA AYYAR : You can provide midday meals. Confinement, you cannot provide. (Laughter.) That is the difficulty. (Loud laughter.)

THE HON. SRI R. VENKATARAMAN : I bow to your wisdom.

SRI K. BALASUBRAMANYA AYYAR : Therefore it is, I say, it must be ' provide for confinement '. If you think it is proper, you may have it like that.

New section 8-B is absolutely necessary. These are some of the necessary amenities which you must give the workers. Here, I may refer to one point. Some Union Minister has said—and I speak subject to correction—that technological institutions need not be included in the list of industrial establishments for this purpose. Some discussion took place on this question. I am not clear about what resulted from it. Anyway, I feel they also must be included.

There is a small matter which may also be more legitimately looked into by the hon. Member Mr. Krishnaswamy Ayyangar. (Laughter.) In the old Act, the term ' Presidency of Madras ' appears. That is now changed as ' State of Madras '. But in the Preamble, ' And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act ' is retained. We must omit this and say, ' the sanction of the President has been obtained '.

SRI T. PURUSHOTHAM : The Bill is before the House. The hon. Member may move amendments.

SRI K. BALASUBRAMANYA AYYAR : They have changed ' Presidency ' into ' State '. Here also a similar change should have been made. I do not know whether the Adaptation Act covers this.

THE HON. SRI R. VENKATARAMAN : It must have been adapted.

DR. MAHOMED USMAN : That won't make it illegal?

SRI K. BALASUBRAMANYA AYYAR : Certainly there is no Governor-General now. It is an anachronism, if it is there. Perhaps the Adaptation Act might say, wherever ' Governor-General ' occurs, it means ' President '. But when the other change has been effected, I see no reason why this also should not be made specific. I leave it to the Hon. the Mover of the

Bill to do what is proper. The subject is in the Concurrent List and, therefore, it must be reserved for consideration by the President.

THE HON. SRI R. VENKATARAMAN : The term is not necessary.

SRI K. BALASUBRAMANYA AYYAR : Better change it.

It is necessary that motor omnibus service and workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale should be included in the term ' industrial establishment '. And I am glad it has been done. So far as the powers of the Inspector are concerned, they have said here that he can enter any place at all reasonable hours. ' With due notice ' must be there.

THE HON. SRI R. VENKATARAMAN : The same provision as is found in the Factories Act is reproduced here.

SRI K. BALASUBRAMANYA AYYAR : That is all right. Subject to these remarks, I welcome the Bill.

SRI T. P. SRINIVASAVARADAN : Sir, I join other hon. Members in congratulating the Government on bringing forward this measure. There are two reasons why I do so. This is a very important benefit which should have been provided much earlier. I hope the Government will bring in similar measures to benefit other classes of people also. I do not mean teachers particularly. So, my first reason is that it is a beneficial measure. The second is that it is a forerunner of other similar pieces of legislation. They may exclude teachers for the present. But let them confer such benefits on other classes of workers.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I have a small doubt to be cleared. In the provision for repealing the Travancore-Cochin Maternity Benefit Act, it is said that the Act shall stand repealed on the commencement of this Act. The entire Act is repealed and the repeal may apply to areas where it is now in force. In that case, it will be an infringement of the rights of the Kerala State. Therefore, I would suggest that the provision should be qualified by some such expression as ' so far as such territory is concerned.' ' Such territory ' may mean the transferred areas.

SRI K. BALASUBRAMANYA AYYAR : The Preamble makes it clear.

* SRI P. S. KRISHNASWAMY AYYANGAR : This is an Act which pertains to our State. The Kerala State may say, ' Who are these people to repeal an Act of our State? '. They may argue that way, even though there may be no force in that argument. To guard ourselves against such criticism, which has no substance, I think the provision may be qualified as I have suggested. If the suggestion is acceptable, it may be acted upon.

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* SRI T. PURUSHOTHAM : Sir, I rise to support this measure. This is long overdue. In lending my support, I wish to bring to the notice of the Hon. the Leader of the House the need for a further legislation to regulate the conditions of employment of women workers in factories and other industrial establishments where a large number of women are employed. Of course, the Constitution provides that no discrimination should be made against women in the matter of employment and so, a large number of them are there working in industrial establishments. Their conditions of service require to be thoroughly gone into and necessary legislation brought in to regulate them as early as possible. Even with regard to the employment of women in Government-run establishments and factories, the position requires to be thoroughly examined. I know that Government propose to appoint welfare officers for all these factors. In fact, in some factories welfare officers have already been appointed. In factories where there is a large number of women employees I would suggest that there should be women assistant welfare officers to look after the welfare of women employed in these establishments. I am sure, following this legislation, the Hon. the Labour Minister will see to it that another Bill is brought in to regulate the conditions of service and employment of women workers in all factories and establishments including the Government concerns.

5-20 p.m.

* THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, Sir, I am really grateful to the House for all the support which it has given to this measure and also for the compliments which the hon. Members have showered on me. I am not yet so old as to blush.

Sir, this is really a very useful measure and in one sense long overdue. Wages have gone up and the standard of care in the case of maternity has also improved in all parts of the country. But the workers in factories were getting care or attention for only four weeks after confinement.

Sir, let me take up one or two suggestions which have been put forward during the course of the discussion. The hon. the Deputy Leader of the Opposition regretted that there were not sufficient measures for social security in this country. While I agree with him, I also wish to clear a misapprehension that there are no social security measures at all in this country. We have provided recently the Employees State Insurance Act by which we give medical benefit and sickness benefit and then provide even artificial limbs in the case of persons who suffer accidents in factories and so on. We have now another legislation, namely, the Provident Fund Act under which some retiring benefit is accumulated from the contributions made by the employers and the employees. We have also the retrenchment benefit guaranteed to the workers under the Industrial Disputes Act and though it is not a substitute for the unemployment relief, yet it goes in

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a very large measure to alleviate the distress caused to persons retrenched. There is a lot more to be done. I am happy that the House is in a mood to give support to progressive legislation in this sphere.

The second point raised by him was that it had better be done by the Centre. I am somewhat surprised at this suggestion. The hon. the Deputy Leader of the Opposition Dr. John is always a champion of provincial autonomy and greater and greater powers for the States. While I agree with him that there is need for uniform standards throughout the country, measures like this should be left to the State Government to frame in such a manner as to suit local conditions. The minimum standards have been prescribed by the Government of India in consultation with the States and it has left legislation to the States so that if there is any adaptation to be made to suit local conditions, it might be made.

Then, Sir, there are one or two points raised which I had better deal with at this stage. The hon. Member Sri P. S. Krishnaswamy Ayyangar drew attention to sub-clause (2) of clause 16 and said that by repealing the Travancore-Cochin Maternity Benefit Act, we would probably be doing something beyond our jurisdiction and he also said that somebody might turn round and say, ' Who are these people to repeal this Act? '. If he reads the clause a little more carefully, he will find it stated that the Travancore-Cochin Maternity Benefit Act, 1952, or any law corresponding to the Madras Act in force in the transferred territory immediately before the commencement of this Act, shall stand repealed.

(Mr. Chairman in the Chair.)

That is to say, the Travancore-Cochin Maternity Benefit Act in force in the transferred territory alone is repealed. That does not give rise to any problem.

Then, Sir, the point made by the hon. Member Sri K. Balasubramanya Ayyar made me bestow some further thought on the matter. For instance, if you read clause 10—I would also request the hon. the Deputy Leader of the Opposition Dr. John to look into it—it reads like this—

' A lump-sum of ten rupees shall be paid as medical bonus by the employer to every woman worker, who receives maternity benefit, except in cases where such employer provides pre-natal confinement and post-natal care, free of charge '.

I think it should read like this—

'. . . provides, pre-natal care, confinement care and post-natal care, free of charge.'

And that is to say, all these three types of assistance are contemplated and if the employer provides all these, then he need not pay the lump-sum grant. Therefore, in the final clause as it merges in the Act, there should be a comma after the word 'provides' and the word 'care' will apply to all the three cases, pre-natal care, confinement care and post-natal care. That is the intention of the legislation. I, therefore, suggest that merely a punctuation may be added at the appropriate place.

Another mistake pointed out by the hon. Member Sri K. Balasubramanya Ayyar who always carefully scrutinises all Bills and for which we, Members on the Treasury Benches are always very grateful, is really due to oversight, because it is no longer necessary to state in our legislation that the previous concurrence of the Central Government has been received. In matters which fall within the Concurrent List, it is necessary to obtain the concurrence of the Central Government, but it need not be stated that concurrence has been obtained. Therefore, I think this sub-clause 'And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act' in clause 2 should be deleted. I would at the proper time move for such deletion. Sir, I am grateful to the House for all the support it has given me and I request the hon. Members to pass the motion moved by me.

MR. CHAIRMAN : The question is—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. No. 1 of 1958) be taken into consideration'.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 16 were put and carried.

Clause 1 was put and carried.

* THE HON. SRI R. VENKATARAMAN : I thought you were going to put the clauses separately. Clause 2 may be put separately. Clauses 3 to 16 may be put together.

MR. CHAIRMAN : That means I have to go back and reopen the clause. The decision has to be rescinded on a motion.

* THE HON. SRI R. VENKATARAMAN : (After a pause) It has got to be amended in the original Act itself. Then this might go as it is. The Preamble also might go as it is as the amendment has to be made in the original Act.

The Preamble was put and carried.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move— 5-30 p.m.

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

MR. CHAIRMAN : Motion moved—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

* DR. V. K. JOHN : Mr. Chairman, Sir, I might make a very strong appeal to the employers to accept this measure with great pleasure. It is harmony between the employer and the employee that will promote progress in this country. The other day when I was talking to a leading industrialist, I told him that it was misunderstood that the Madras Government were against private enterprise but that actually they wanted to encourage private enterprise and that, at the same time, they also did not want to foment labour trouble and were trying to create harmony between employer and employee. The Hon. the Leader of the House has been entirely responsible for this state of affairs. In fact, it is only the welfare of labour that contributes to the progress of industries and I hope that every employer will implement this measure. If the employers willingly implement this measure, there will be no trouble whatsoever. In this connection, I must say that Madras should not merely lead other States in taxes but it must also lead other States in measures like this, which are of great benefit to the public.

* THE HON. SRI R. VENKATARAMAN : I have nothing more to add except to thank the House for the very warm welcome that it has given to the measure.

MR. CHAIRMAN : The question is—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 17th March 1958.

The House then adjourned.

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Bill passed by the Assembly and received therefrom in the Council*—

* *The Madras Bhoodan Yagna Bill*, 1957 (*L.A. Bill No.* 15 of 1957).

† 2. *The Madras Maternity Benefit (Amendment) Bill*, 1958 (*L.C. Bill No.* 1 *of* 1958).

‡ 3. *The Madras Animal Preservation Bill*, 1958 (*to be introduced*).

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* Sent by special messengers on 25th February 1958.

† Circulated in the Chamber and also by special messengers on 15th February 1958.

‡ Sent by special messengers on 1st March 1958.